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Paper No. 9

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OFFICE OF PETITIONS

In re Application of :
Lehman, McCoy, Yuan, Manker, Orjala, Marrone, Santamaria :
Application No.: 09/966,982 :
Filed: September 27, 2001 :
Attorney Docket No: AQ 2018.20 :
For: NOVEL STRAIN OF STREPTOMYCES FOR :
CONTROLLING PLANT DISEASES :

DECISION ACCORDING
STATUS UNDER
RULE 47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 17, 2002.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on October 23, 2001, indicating that petitioner did not file a proper oath or declaration in compliance with 37 CFR 1.63 that was signed by inventor McCoy, did not remit the \$130.00 surcharge, and did not file substitute drawings. The Notice set forth an extendable period of reply of two months from the date it was mailed. Petitioner filed the instant petition on April 17, 2002, along with the substitute drawings, and an authorization to charge a designated deposit account for the surcharge and the necessary four-month extension of time.

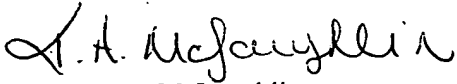
Through the instant petition, declaration of facts as attested to by Carol Gruppi, and Connie Tomlinson, and the documentary evidence provided, petitioner established that, although inventor McCoy was mailed the complete application papers (specification, abstract, claims, drawings, and assignment), he constructively refused to execute the declaration and the join the above-cited application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 50-1189 will be assessed \$130.00 for the surcharge and \$1,440 for the extension of time within the fourth month.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



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for Patent Examination Policy